

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 8, 2016

Piermont Planning Board
Village Hall
478 Piermont Avenue
Piermont, NY 10968

Tax Data: 78.21-1-11

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 4/16/2015

Date Review Received: 2/8/2016

Item: ORANGETOWN HIGHWAY DEPT - SPARKILL CREEK WALL REMOVAL (P-135)

Site plan for the proposed installation of an access road along the eastern section of the Ferdon Skating Pond. Once installed, the southern containment wall will be saw cut down to the height of the existing eastern containment wall, for a total of 175 linear feet. The site is located on 3.214 acres in the R-7.5 zoning district.

West side of Ferdon Avenue, south side and under the overpass of US Route 9W, north side of Valentine Avenue

Reason for Referral:

Sparkill Creek, US Route 9W, Valentine Avenue/Union Street/Main Street (NYS Route 340), S. Highland Avenue, Town of Orangetown

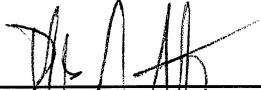
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- 2 The Floodplain Administrator for the Village of Piermont shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 3 A review must be completed by SUEZ and any raised concerns addressed.
- 4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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- 5 The project description states that an access road will be installed along the eastern section of the Ferdon Skating Pond. This proposed road must be illustrated on the site plan.
- 6 The parcel identification number must be added to the site plan, as well as the zoning district designation.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Christopher Sanders, Piermont
Rockland County Drainage Agency
New York State Department of Transportation
SUEZ
Brooker Engineering, PLLC
Town of Orangetown

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.